

NOTICE OF VIOLATION

Wisconsin Public Service Corporation
Kewaunee Nuclear Power Plant

Docket No. 050-305
License No. DPR-43

During an NRC inspection conducted August 4-8, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG 1600, the violations are listed below:

10 CFR 50.65(a)(1) requires, in part, the holders of an operating license shall monitor the performance or condition of structures, systems or components (SSCs), against licensee-established goals, in a manner sufficient to provide reasonable assurance that such SSCs as defined in 10 CFR 50.65(b), are capable of fulfilling their intended functions. Such goals shall be established commensurate with safety. When the performance or condition of an SSC does not meet established goals, appropriate corrective action shall be taken.

10 CFR 50.65(a)(2) requires, in part, that monitoring as specified in 10 CFR 50.65 (a)(1) is not required where it has been demonstrated that the performance or condition of an SSC is being effectively controlled through the performance of appropriate preventive maintenance, such that the SSC remains capable of performing its intended function.

Contrary to 10 CFR 50.65(a)(2), as of July 15, 1997, the time that the licensee elected to not monitor the performance or condition of certain SSCs against licensee-established goals pursuant to the requirements of Section (a)(1), the licensee had not demonstrated that the performance or condition of certain SSCs within the scope of 10 CFR 50.65 were being effectively controlled through the performance of appropriate preventive maintenance, as evidenced by the following examples, each of which constitute a separate violation:

- A. The licensee had not demonstrated that the performance of the safety injection system, residual heat removal system, and steam generator power-operated relief valves were being effectively controlled through the performance of appropriate preventive maintenance in accordance with the requirements of 10 CFR 50.65(a)(2). Specifically, the licensee had failed to establish adequate measures to evaluate the effectiveness of the performance of appropriate preventive maintenance on these high safety (risk) significant SSCs prior to placing these SSCs under Section (a)(2). The measures were inadequate because there was not a technical justification to allow these SSCs to have reliability measures that were inconsistent with the assumptions in the licensee's probabilistic risk assessment. The measures established for these SSCs would allow failure rates that were one to two orders of magnitude greater than the failure rate assumptions in the licensee's probabilistic risk assessment. Thus, multiple failures would need to occur before the licensee considered moving these SSCs to the (a)(1) category. As a result, it was not demonstrated that the systems were controlled such that they remained capable of performing their intended function. Therefore, the licensee's technical basis for placing these SSCs under the requirements of 10 CFR 50.65(a)(2) was inadequate and these high safety (risk) significant SSCs should have been monitored in accordance with 10 CFR 50.65(a)(1). (50-305/97011-02(DRS)).

This is a Severity Level IV violation (Supplement I).

- B. The licensee had not demonstrated that the performance of the hydrogen analyzers and the post-loss-of-coolant-accident hydrogen control ventilation system provided little or no contribution to system safety function to be allowed to "run to failure" and addressed in accordance with the requirements of 10 CFR 50.65(a)(2). Specifically, the licensee had failed to establish adequate justification to allow these SSCs to have performance criteria of "run to failure" and be monitored under Section (a)(2). The safety functions of these SSCs were relied upon in the safety analysis and emergency operating procedures to monitor and reduce hydrogen concentrations in the containment following an accident. These SSCs were relied upon to remain functional during and following design basis events to ensure the containment would remain intact to prevent or mitigate the consequences of accidents that could result in potential offsite exposure comparable to 10 CFR 100 guidelines. As a result, it was not demonstrated that the systems were controlled such that they remained capable of performing their intended function. Therefore, the licensee's technical basis for placing these SSCs under the requirements of 10 CFR 50.65(a)(2) was inadequate and these standby SSCs should have been monitored in accordance with 10 CFR 50.65(a)(1). (50-305/97011-03(DRS))

This is a Severity Level IV violation (Supplement I).

With respect to Item A, the inspection showed that actions had been taken to correct the identified violation and to prevent recurrence. Consequently, no reply to the violation is required and we have no further questions regarding this matter. With respect to Item B, pursuant to the provisions of 10 CFR 2.201, Wisconsin Public Service Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois
this 12th day of September 1997